

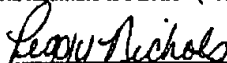
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AN 2002.00

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April 23, 2004

  
Peggy Nichols**RECEIVED  
CENTRAL FAX CENTER****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****APR 23 2004**

In re Application for:

Kin-Ping WONG

Serial No.: 10/016,977

Filing Date: December 12, 2001

For: COMPOSITIONS CONTAINING AN  
ACTIVE FRACTION ISOLATED  
FROM *SCUTELLARIE BARBATAE*  
AND METHODS OF USE

Examiner: Coe, Susan D.

Group Art Unit: 1654

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**COMMUNICATION FORWARDING COPY OF AMENDMENT AND RESPONSE  
TO FINAL OFFICE ACTION FILED FEBRUARY 26, 2004**

Dear Sir:

This Communication is submitted in response to the Examiner's telephonic request for a facsimile copy of the Amendment and Response is submitted in reply to the Final Office Action issued on February 26, 2004, for the subject application. Accordingly, enclosed is a copy of all papers filed on that date. Also included is a copy of the postcard receipt showing the U.S. Patent Office mailroom stamp dated March 1, 2004.

If the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-2518**, referencing billing number

AN 7009682001. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account. Should a telephone advance prosecution of the subject application, the Examiner is invited to contact the undersigned at (650) 849-4950.

DATE: April 23, 2004

Respectfully submitted,

By: \_\_\_\_\_



Antoinette F. Konski

Registration No.: 34,202

Bingham McCutchen LLP  
Formerly McCutchen, Doyle, Brown & Enersen, LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, California 94111  
Telephone: (650) 849-4950  
Telefax: (650) 849-4800

PTO/SB/21 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	10/016,977
		Filing Date	December 12, 2001
		First Named Inventor	Ken-Ping Wong
		Art Unit	1654
		Examiner Name	Susan D. Coe
Total Number of Pages in This Submission	12	Attorney Docket Number	AN 2002.00

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Bingham McCutchen LLP
Signature	<i>Antoinette Skanski</i>
Date	February 26, 2004

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Peggy Nichols		
Signature	<i>Peggy Nichols</i>	Date	February 26, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (08-03)


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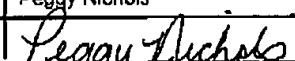
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	10/016,977
		Filing Date	December 12, 2001
		First Named Inventor	Kin-Ping Wong
		Art Unit	1654
		Examiner Name	Coe, Susan D.
Total Number of Pages in This Submission	16	Attorney Docket Number	AN 2002.00

ENCLOSURES (check all that apply)				
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Communication Forwarding Copy of Amendment and Response to Final Office Action Filed February 26, 2004.		
<table border="1"> <tr> <td>Remarks</td> <td></td> </tr> </table>			Remarks	
Remarks				

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Bingham McCutchen LLP Anginette F. Konski
Signature	
Date	April 23, 2004

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Typed or printed name	Peggy Nichols	Date	April 23, 2004
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 640

Complete if Known

Application Number 10/018,977

Filing Date December 12, 2001

First Named Inventor Kin-Ping WONG

Examiner Name Coe, Susan D.

Art Unit 1654

Attorney Docket No. AN 2002.00

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number

50-2518

Deposit  
Account  
Name

Bingham McCutchen LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Fee Code	Fee (\$)	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
	1001	770	2001	385		Utility filing fee	
	1002	340	2002	170		Design filing fee	
	1003	530	2003	265		Plant filing fee	
	1004	770	2004	385		Reissue filing fee	
	1005	180	2005	80		Provisional filing fee	

SUBTOTAL (1)

(\$ 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	20	20	0	X	0	Fee from below	0	Fee Paid
Independent Claims	3	3	0	X	0		0	0
Multiple Dependent				X			0	0

Large Entity	Fee Code	Fee (\$)	Small Entity	Fee Code	Fee (\$)	Fee Description
	1202	18	2202	9		Claims in excess of 20
	1201	66	2201	43		Independent claims in excess of 3
	1203	260	2203	149		Multiple dependent claim, if not paid
	1204	66	2204	43		** Reissue independent claims over original patent
	1205	18	2205	9		** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0

\*\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Fee Code	Fee (\$)	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
	1051	130	2051	65		Surcharge - late filing fee or oath	
	1052	50	2052	25		Surcharge - late provisional filing fee or cover sheet	
	1053	130	2053	130		Non-English specification	
	1812	2,520	1812	2,520		For filing a request for reexamination	
	1804	920*	1804	920*		Requesting publication of SIR prior to Examiner action	
	1805	1,840*	1805	1,840*		Requesting publication of SIR after Examiner action	
	1251	110	2251	55		Extension for reply within first month	
	1252	420	2252	210		Extension for reply within second month	
	1253	850	2253	475		Extension for reply within third month	475
	1254	1,480	2254	740		Extension for reply within fourth month	
	1255	2,010	2255	1,005		Extension for reply within fifth month	
	1401	330	2401	165		Notice of Appeal	165
	1402	330	2402	165		Filing a brief in support of an appeal	
	1403	290	2403	145		Request for oral hearing	
	1451	1,510	1451	1,510		Petition to institute a public use proceeding	
	1452	110	2452	55		Petition to revive - unavoidable	
	1453	1,330	2453	665		Petition to revive - unintentional	
	1501	1,330	2501	665		Utility issue fee (or reissue)	
	1502	480	2502	240		Design issue fee	
	1503	640	2503	320		Plant issue fee	
	1460	130	1460	130		Petitions to the Commissioner	
	1807	50	1807	50		Processing fee under 37 CFR 1.17 (g)	
	1806	180	1806	180		Submission of Information Disclosure Sheet	
	8021	40	8021	40		Recording each patent assignment per property (times number of properties)	
	1809	770	2809	385		Filing a submission after final rejection (37 CFR § 1.129(a))	
	1810	770	2810	385		For each additional invention to be examined (37 CFR § 1.129(b))	
	1801	770	2801	385		Request for Continued Examination (RCE)	
	1802	900	1802	900		Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_


\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 640

## SUBMITTED BY

Complete if applicable

Name (Print/Type)	Amberella F. Kinski	Registration No. (Attorney/Agent)	34,202	Telephone	(850) 849-4930
Signature				Date	February 28, 2004

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Express Mail No.  
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February 26, 2004

Due Date:  
Docket No./  
Billing No.:

March 15, 2004  
AN 2002.00  
2023888-7009682001

afk/ph

Applicant(s):  
Title:

Kin-Ping WONG  
Compositions Containing an Active Fraction Isolated From Scutellaria  
Barbatae and Methods of Use

Serial No.:

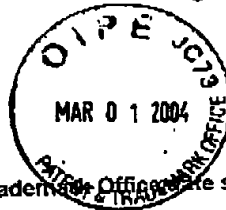
10/016,977

Filing Date:

December 12, 2001

Mail Stop

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450



SIR:

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1. Transmittal Form (1 pg);
2. Fee Transmittal in duplicate for fee processing (2 pgs);
3. Notice of Appeal (1 pg);
4. Petition for Extension of Time (3 months) (1 pg);
5. Amendment and Response to Final Office Action (7 pgs) and Return Postcard

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APR 23 2004

## Facsimile

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DATE March 24, 2004

Bingham McCutchen LLP  
1900 University Avenue  
East Palo Alto, CA  
94303-2223650.849.4400  
650.849.4800 fax

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Boston  
Hartford  
London  
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New York  
Orange County  
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Silicon Valley  
Tokyo  
Walnut Creek  
Washington

	NAME	FAX	PHONE
TO	Art Group Unit 1654 Attn: Examiner Susan D. Coe	(703) 872-9306	

FROM	Antoinette F. Konski antoinette.konski@bingham.com	(650) 849-4800	(650) 849-4950
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PAGES (INCLUDING THIS COVER PAGE): 17

RE Communication  
U.S. Application Serial No.: 10/016,977

## MESSAGE

This facsimile consists of the following:

Fax Cover Sheet (1 pg);  
Transmittal Form (1 pg);  
Communication Forwarding Copy of Amendment and  
Response to Final Office Action Filed February 26, 2004 (15 pgs)

For transmission problems, please call (650) 849-4825

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Client/Matter Name:				
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PA:52127414.1/2011111-211111111

4/23/04 12:19 PM